

ARTICLE II. NOISE

Sec. 13-16. Short title.

This article shall be known as the "Noise Ordinance of the County of Roanoke, Virginia."
(Ord. No. 102792-12, § 1, 10-27-92)

Sec. 13-17. Declaration of policy.

It is hereby declared to be the public policy of the County of Roanoke to promote an environment for its citizens free from excessive noise that jeopardizes their health or welfare or degrades the quality of life within Roanoke County.
(Ord. No. 102792-12, § 1, 10-27-92)

Sec. 13-18. Definitions.

The following words and phrases, when used in this article shall have the meaning assigned to them in this section.

Emergency work shall mean work made necessary to restore property, public or private, to a safe condition following a state of emergency or a local emergency as defined by the Commonwealth of Virginia Emergency Services and Disaster Law of 1973, Chapter 3.2 of Title 44 of the Code of Virginia, 1950, as amended, or its successor, or work required to protect persons or property from immediate exposure to danger, including work performed by the

Roanoke County Utility Department or by public service companies when emergency inspection, repair of facilities or restoration of services is required for the immediate health, safety or welfare of the community.

Motor vehicle shall mean a self-propelled vehicle including passenger cars, trucks, truck-trailers, semitrailers, campers, racing vehicles, and any motorcycles (including, but not limited to, motor scooters, mini-bikes, all-terrain vehicles and three-wheelers) as defined in section 46.2-100 of the Code of Virginia.

Noise disturbance means any sound which (a) endangers or injures the safety or health of any person; (b) annoys or disturbs a reasonable person of normal sensitivities; or (c) endangers or injures personal or real property.

Person shall mean any individual, corporation, cooperative, partnership, firm, association, trust, estate, private institution, group, agency or any legal successor, representative, agent or agency thereof.

(Ord. No. 102792-12, § 1, 10-27-92)

Sec. 13-19. Exceptions from this article.

The provisions of this article shall not apply to:

- (1) The emission of sound for the purpose of alerting persons to the existence of an emergency or to the emission of sound in the performance of emergency work;
- (2) Music, bells, chimes or other sounds which are emanating from a church, temple, synagogue or other place of worship;
- (3) Sound generated from school or county sponsored athletic or recreational events;
- (4) Sound generated by activities which are an official or approved part of any county or state approved or licensed festival or activity, provided such exemption shall terminate at 10:00 p.m.;
- (5) Sound generated in commercial and industrial zoning districts Monday thru Friday between the hours of 7:00 a.m. and 10:00 p.m. and Saturday and Sunday between 10:00 a.m. and 10:00 p.m. which are necessary and incidental to the uses permitted therein; and
- (6) Sound for which a waiver has been granted in accordance with section 13-23 of this article.

(Ord. No. 102792-12, § 1, 10-27-92; Ord. No. 081997-7, § 1, 8-19-97)

Sec. 13-20. General prohibition.

In addition to the specific prohibitions contained in this article, no person shall make, continue, permit, or cause to be made, continued or permitted any noise disturbance within the county.

(Ord. No. 102792-12, § 1, 10-27-92)

Sec. 13-21. Specific acts as noise disturbances.

The following acts are declared to be noise disturbances in violation of this article. The acts so specified shall not be deemed to be an exclusive enumeration of those acts which may constitute a noise disturbance under section 13-20 and provided that the acts so specified below may still constitute a noise disturbance under section 13-20 independently of the hours of the day such acts take place.

- (1) Engaging in, or operating or causing to be operated any equipment used in the construction, repair, alteration or demolition of buildings, streets, roads, alleys or appurtenances thereto between the hours of 10:00 p.m. and 7:00 a.m. the following day.
- (2) Repairing, rebuilding or modifying any motor vehicle or other mechanical equipment or device between the hours of 10:00 p.m. and 7:00 a.m. the following day in a manner so as to be plainly audible across property boundaries.
- (3) Loading or unloading trucks outdoors within one hundred (100) yards of a residence between the hours of 10:00 p.m. and 7:00 a.m. the following day.
- (4) Sounding the horn or warning device of a vehicle, except when necessary as a warning during the operation of the vehicle.
- (5) Operating or permitting the use or operation of any radio receiving set, musical instrument, television, phonograph or any other device for the production of sound, between the hours of 10:00 p.m. and 7:00 a.m. the following day, at a volume sufficient to be plainly audible across property boundaries or through partitions common to two (2) residences within a building or plainly audible at fifty (50) feet from such device.
- (6) Using or operating a loudspeaker or other sound amplification devices in a fixed or movable position exterior to any building, or mounted upon any motor vehicle or mounted in the interior of a building with the intent of providing service to an exterior area for the purpose of commercial advertising, giving instruction, information, directions, talks, addresses, lectures, or providing entertainment to any persons or assemblage of persons on any private or public property, between the hours of 10:00 p.m. and 7:00 a.m. the following day.
- (7) Using or operating any motor vehicle without factory installed mufflers or their equivalent, on any public street or road in the county or on private property within a residential zoning district.
- (8) Using a radio receiving set, an audio cassette player, a compact disc player, or other device for the production of sound in a motor vehicle at a volume sufficient to be plainly audible at fifty (50) feet from such vehicle.
- (9) Failure to deactivate an alarm system plainly audible at fifty (50) feet from such alarm within such reasonable time as is established by section 16-23 of this Code.

(Ord. No. 102792-12, § 1, 10-27-92)

Sec. 13-22. Penalties.

A violation of any provisions of this article shall constitute a Class 1 misdemeanor. Each separate act on the part of the person violating this article shall be deemed a separate offense, and each day a violation is permitted to continue unabated shall constitute a separate offense.

(Ord. No. 102792-12, § 1, 10-27-92)